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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
YUAN, ALMARI ROMERO	
ART UNIT	**PAPER NUMBER**
2176	

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/465,530	OMOIGUI, NOSAKHARE D.	
	Examiner	Art Unit	
	Almari Yuan	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 June 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

2. The rejection of claims 1, 3, 5, 9, 12, 13, 15-17, 21, and 24 under 35 U.S.C. 102(b) as being anticipated by Bronson has been withdrawn based on Applicant's arguments in the Interview filed on 6/03/04 and in light of newly found art.

3. The rejection of claims 25, 27, 33, and 38 under 35 U.S.C. 102(a) and (e) as being anticipated by Kenner has been withdrawn in light of newly found art.

4. The rejection of claims 2, 4, 10, 11, 14, 18-20, 28, and 30-32 under 35 U.S.C. 103(a) as being unpatentable over Bronson and Kenner has been withdrawn in light of newly found art.

5. The rejection of claim 6 under 35 U.S.C. 103(a) as being unpatentable over Bronson and Kalra has been withdrawn in light of newly found art.

6. The rejection of claims 7-8 and 44-45 under 35 U.S.C. 103(a) as being unpatentable over Bronson and Abbott has been withdrawn in light of newly found art.

7. The rejection of claim 22 under 35 U.S.C. 103(a) as being unpatentable over Bronson has been withdrawn in light of newly found art.

8. The rejection of claims 23 and 29 under 35 U.S.C. 103(a) as being unpatentable over Bronson, Kenner, and Abbott has been withdrawn in light of newly found art.

9. The rejection of claim 26 under 35 U.S.C. 103(a) as being unpatentable over Kenner and Abbott has been withdrawn in light of newly found art.

10. The rejection of claim 34 under 35 U.S.C. 103(a) as being unpatentable over Kenner and Kalra has been withdrawn in light of newly found art.

11. The rejection of claims 35-37 and 39-41 under 35 U.S.C. 103(a) as being unpatentable over Kenner and Eric Ladd has been withdrawn in light of newly found art.

12. The rejection of claims 42-43 under 35 U.S.C. 103(a) as being unpatentable over Kenner and Bronson has been withdrawn in light of newly found art.

13. Claims 1-45 are pending. Claims 1, 7, 16, 25, 27, 28, 33, and 39 are independent claims.

Claim Rejections - 35 USC § 112

14. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

15. Claims 5, 21, and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding dependent claim 5, the limitation "the temporal location comprises a presentation time of media presentation" is vague and indefinite because in the specification "presentation time" is defined as the time "when the [streamed data] value should actually be rendered" on the user's computer. (Specification, page 8, lines 24 - page 9, line 1). The phrase "presentation time" could mean either the time it takes to present a media stream or the time at which a media stream is to be presented.

Regarding claim 21 depending on independent claim 16, recites the limitation "index data" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 22 depending on independent claim 16, recites the limitation "to the data" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

17. **Claims 16 –22, 24-28, and 30-45 rejected under 35 U.S.C. 102(e) as being anticipated by de Vries et al. (USPN 6,243,708 B1 – filed on 12/1998).**

Regarding independent claims 16 and 28 (dependent claim 17-18, 20, 24, 31-32), de Vries discloses:

An apparatus comprising:

a memory device to store a plurality of multimedia streams; a search engine; (col. 23, line 30 teaches memory and on col. 2, lines 18-24 teaches memory stores an index and wherein the processor (search engine) searches the index to identify locations within a multimedia stream);

receiving a search request corresponding to the multimedia presentation (de Vries on col. 7, lines 58-60 teaches searching the index database for annotations which match the query);

determining whether any of the multimedia data streams corresponding to the multimedia presentation satisfy search criteria corresponding to the search request (de Vries on col. 2, lines 25-33 and lines 62-63 teaches locating a position within a multimedia stream that corresponds to a query word); and

returning an indication of whether any of the multimedia data streams satisfy the search criteria (de Vries on col. 2, lines 62-65 teaches locating a position in the multimedia stream which will be particularly relevant to the user making the query).

Regarding dependent claim 19, de Vries on col. 2, lines 60-65 teaches the index server is configured to locate a position within the multimedia stream that is relevant to the user making the query.

Regarding dependent claims 21-22, de Vries on col. 2, lines 18-33 teaches searching for the query word stored in the index to identify the locations within the multimedia stream which are relevant to the query.

Regarding independent claim 25, de Vries discloses:

A system comprising:

a client computer, coupled to the network, to receive streaming data via the network (Figure 1A-1B shows a client computer within a network and on col. 7, lines 39-53 teaches requesting client); and

a multimedia server, coupled to the network, to stream the streaming data to the client computer, the multimedia server including one or more index files corresponding to the streaming data (Figures 1A-1B shows index server and media server and on col. 7, lines 39-65 teaches index server and on col. 8, lines 38-51 teaches media database server); and

a search engine to check whether data in the index files matches the search criteria received from the client computer (on col. 2, lines 18-33 teaches processor searches the index for the query word to identify the locations within the multimedia stream which are relevant to the query. Furthermore, on col. 7, lines 39-62 teaches an HTML query page for the client or user to enter textual and Boolean queries).

Regarding dependent claim 26, de Vries on col. 12, lines 58-64 teaches splitting the audio and video bit stream into separate components.

Regarding independent claims 27 and (dependent claim 30), de Vries discloses:

A system comprising:

a client computer, coupled to the network, to receive streaming data via the network (Figure 1A-1B shows a client computer within a network and on col. 7, lines 39-53 teaches requesting client); and

a multimedia server, coupled to the network, to stream the streaming data to the client computer; and the index server including one or more index files corresponding to the streaming data (Figures 1A-1B shows index server and media server and on col. 7, lines 39-65 teaches index server and on col. 8, lines 38-51 teaches media database server); and

to check upon receipt of a search request, whether any portion of the streaming data matches search criteria of the search request based at least in part on the contents of the index files (on col. 2, lines 18-33 teaches processor searches the index for the query word to identify the locations within the multimedia stream which are relevant to the query. Furthermore, on col. 2, lines 57-65 teaches index server configured to locate a position within the multimedia to match the position with its corresponding indexed query word).

Regarding independent claims 33 and (dependent claim 35 and 38), de Vries discloses:

A method comprising:

receiving a plurality of media streams as streaming data from a multimedia server (on col. 6, lines 40-55 teaches the media database server sends the digital representation of raw audio/video data to the client and see Abstract teaches a multimedia streaming environment);

storing the plurality of media streams locally (on col. 6, lines 5-19 teaches storing digital representation of raw audio/video data); and

generating a markup document describing how the plurality of media streams are to be presented and referencing the locally stored plurality of media streams (on col. 8, lines 14-32 teaches building a HTML results page for presentation to the user by creating an image or icon corresponding to the URL of the digital representation from which each matching annotation was generated).

Regarding dependent claim 34, de Vries on col. 1, lines 61-65 teaches streams of multimedia content such as audio/video streams.

Regarding dependent claim 36, de Vries on col. 2, lines 18-33 teaches processor searches the index for the query word to identify the locations within the multimedia stream which are relevant to the query.

Regarding dependent claim 37, de Vries on col. 2, lines 57-65 teaches index server configured to locate a position within the multimedia to match the position with its corresponding indexed query word.

Regarding independent claim 39, de Vries discloses:

One or more computer-readable media having stored thereon a computer program that, when executed by one or more processors, causes the one or more processors to perform functions including:

receiving a markup document (on col. 21, lines 28-41 teaches HTML page), from multimedia server, that references a plurality of multimedia data streams at one or more remote media servers, and that identifies how the plurality of multimedia data streams are to be presented at a client computer (on col. 8, lines 14-32 teaches building a HTML results page for presentation to the user by creating an image or icon corresponding to the URL of the digital representation from which each matching annotation was generated; on col. 22, lines 6-13 teaches accessing a corresponding digital representation in the media database using a URL (reference); in Figures 1A and 1B shows a network of clients and servers);

receiving the plurality of multimedia data streams from the one or more remote media servers (Figure 1A-1B shows media servers; on col. 6, lines 40-55 teaches client

receives digital representation of raw audio/video data; and on col. 8, lines 50-51 teaches the media database server can perform fetch and stream operations);

storing the plurality of multimedia data streams locally at the client computer (on col. 6, lines 51-55 teaches the client processes the copy of the digital representation of raw audio/video data);

modifying the markup document to reference the plurality of locally stored multimedia data streams and storing the modified markup document (on col. 8, lines 14-32 and col. 21, lines 27-65 teaches building and changing the HTML results page for presentation to the user by creating an image or icon corresponding to the URL of the digital representation from which each matching annotation was generated; on col. 22, lines 50-53 teaches HTML matches page is the exact copy of the HTML results page).

Regarding dependent claims 40-43, the limitations of claims 40-43 are substantially the same as in claims 28-33 and 35-39 and are rejected under the same rationale.

Regarding dependent claim 44, de Vries on col. 14, liens 39-42 teaches annotations or words are to occur within the media streams.

Regarding dependent claim 45, de Vries on col. 7, lines 41-43 teaches digital representations of raw audio/video data.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

19. **Claims 1-15, 23, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over de Vries et al. (USPN 6,243,708 B1 – filed on 12/1998) in view of Amir et al. (USPN 6,636,238 B1 – filed 04/1999).**

Regarding independent claim 1 and (dependent claim 15 and 29), de Vries discloses: A method of searching streaming media presentations (de Vries see Abstract teaches querying multimedia streams), the method comprising:

receiving a search request including search criteria (de Vries on col. 7, lines 58-60 teaches searching the index database for annotations which match the query);

determining a location in a streaming media presentation that corresponds to data of the media presentation that matches the search criteria (de Vries on col. 2, lines 25-33 and lines 62-63 teaches locating a position within a multimedia stream that corresponds to a query word); and

returning an indication of the location to a source of the request (de Vries on col. 2, lines 62-65 teaches locating a position in the multimedia stream which will be particularly relevant to the user making the query).

However, de Vries does not explicitly disclose "temporal location".

Amir does disclose "temporal location", on col. 2, lines 58-65 teaches timing information representative of the temporal location of at least some of the text and keywords in the audio. Furthermore, Amir on col. 6, lines 50-61 teaches performing a query from the user to link or match text with portion of an audio stream.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Amir in to de Vries to provide a way to identify temporal location within the media stream, as taught by Amir, incorporated into the multimedia streams of de Vries, in order to avoid the user in retrieving the entire audio/video stream to match text with the media stream.

Regarding dependent claim 2, de Vries on col. 4, lines 52-55 teaches storing digital representation of the raw audio/video data at a location in the media database.

Regarding dependent claim 3, de Vries on col. 7, lines 39-46 teaches search, browser, and retrieve all or a portion of a digital representation, for example, the first digital representation of raw audio/video data. Furthermore, de Vries on col. 5, lines 40-44 teaches first and second digital representation of raw audio/video data.

Regarding dependent claim 4, de Vries on col. 22, lines 6-13 teaches matching occurring within either a video or an audio stream (different media).

Regarding dependent claim 5, Amir on col. 2, lines 58-65 teaches timing information representative of the temporal location of at least some of the text and keywords in the audio.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Amir in to de Vries to provide a way to identify temporal location within the media stream, as taught by Amir, incorporated into the

multimedia streams of de Vries, in order to avoid the user in retrieving the entire audio/video stream to match text with the media stream.

Regarding dependent claim 6, de Vries on col. 1, lines 61-65 teaches streams of multimedia content such as audio/video streams.

Regarding independent claim 7, de Vries discloses:

A method of searching streaming media presentations (de Vries see Abstract teaches querying multimedia streams), the method comprising:

receiving a search request including search criteria (de Vries on col. 7, lines 58-60 teaches searching the index database for annotations which match the query);

determining a location in a streaming media presentation that corresponds to data of the media presentation that matches the search criteria (de Vries on col. 2, lines 25-33 and lines 62-63 teaches locating a position within a multimedia stream that corresponds to a query word);

wherein the data of the media presentation includes a particular term or element of the streaming media presentation (de Vries on col. 2, lines 25-65 and col. 14, lines 39-42 teaches annotations or words are included within the media stream); and

returning an indication of the location to a source of the request (de Vries on col. 2, lines 62-65 teaches locating a position in the multimedia stream which will be particularly relevant to the user making the query);

streaming of the media presentation to a client based on location (de Vries on col. 2, lines 11-17 and lines 62-65 teaches identifying positions within a multimedia stream).

However, de Vries does not explicitly disclose "temporal location".

Amir does disclose "temporal location", on col. 2, lines 58-65 teaches timing information representative of the temporal location of at least some of the text and keywords in the audio. Furthermore, Amir on col. 6, lines 50-61 teaches performing a query from the user to link or match text with portion of an audio stream.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Amir in to de Vries to provide a way to identify temporal location within the media stream, as taught by Amir, incorporated into the multimedia streams of de Vries, in order to avoid the user in retrieving the entire audio/video stream to match text with the media stream.

Regarding dependent claims 8 and 23, Amir on col. 6, lines 26-27 teaches timing information relative to the starting point of the stream.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Amir in to de Vries to provide a way to identify temporal location within the media stream, as taught by Amir, incorporated into the multimedia streams of de Vries, in order to avoid the user in retrieving the entire audio/video stream to match text with the media stream.

Regarding dependent claim 9, de Vries on col. 23, lines 3-19 teaches an HTML page that can be displayed to the user to allow the user to browser locations associated with the frames of a media stream.

Regarding dependent claim 10, de Vries in Figure 1A-1B shows a client computer within a network and on col. 7, lines 39-53 teaches requesting client.

Regarding dependent claims 11 and 14, de Vries in Figures 1A-1B shows index server and media server and on col. 7, lines 39-65 teaches index server and on col. 8, lines 38-51 teaches media database server.

Regarding dependent claim 12, de Vries on col. 2, lines 57-65 and col. 7, lines 39-53 teaches accessing an index server with stored query words and wherein the index server is configured to locate a position within the multimedia stream to match the query of corresponding annotations or words.

Regarding dependent claim 13, de Vries on col. 2, lines 64-65 teaches making the query that is particularly relevant to the user.

Response to Arguments

20. Applicant's arguments with respect to claims 1-45 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Almari Yuan whose telephone number is 703-305-5945 (571-272-4104 after October 20, 2004). The examiner can normally be reached on Mondays - Fridays (8:30am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild, can be reached on 703-305-9792 (571-272-4090 after October 20, 2004). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AY
October 8, 2004

William L. Bashore

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